United States Senate
WASHINGTON, DC 20510

October 6, 2022

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra:

It has come to my attention that the National Institutes of Health Office of the Director has renewed the base operational funding grant, called the P51, to the Washington National Primate Research Center (WaNPRC) at the University of Washington. This grant was renewed despite documentation of multiple unresolved, serious issues, including failure to maintain biosecurity—which threatens not only public safety but has also compromised the health of the monkeys and data from studies using them—repeated animal welfare violations, financial issues with taxpayer funds, and failure to comply with both state and federal laws. Detailed documentation of these failures and violations was exposed in a series of articles by *The Arizona Republic* and in other media outlets.[1]

I ask that the Department of Health and Human Services investigate the oversight and approval of this grant. I am particularly concerned about the five alleged issues which are detailed below.

- **Disease among monkeys at both WaNPRC in Seattle and at its breeding facility in Arizona**: A significant portion of the tens of millions of taxpayer dollars provided to the WaNPRC over the past decade has been to breed and house pathogen-free pigtailed macaques to be used, predominately, in AIDS research. However, the WaNPRC monkey colonies are diseased and the animals' immune systems are weakened and undermined with unintended fungal, viral, bacterial and mycobacterial infections. The presence of these pathogens—including *Coccidioides* (valley fever), *Trypanosoma cruzi* (Chagas disease), MRSA, West Nile virus, tuberculosis, *Campylobacter sp.*, *Shigella sp*. and more—threaten public health and safety. It also compromises the data coming from the taxpayer funded WaNPRC. WaNPRC has sold or transferred hundreds of monkeys, including those with unintended infections, to research facilities in multiple states across the United States.

[1] Rob O'Dell, "Sickness and death at Mesa-area monkey farm threaten primate center viability." (Arizona Republic).; Rob O'Dell, "Chemical runoff from missile manufacturer taints Arizona monkey colony's water supply." (Arizona Republic).; O'Dell, "On top of monkey farm woes, primate center faces financial problems and a sex scandal." (Arizona Republic).; Rob O'Dell, "Primate center broke interstate transport laws. Negligence led to 5 monkey deaths." (Arizona Republic).; https://www.booker.senate.gov/imo/media/doc/az_letter.pdf

- **Violation of Washington State health and agriculture law**: In May 2021, Washington State Department of Agriculture found that WaNPRC violated state laws by failing to comply with importation and testing requirements for wild and exotic animals, failing to comply with reporting requirements for diseases on the World Organization for Animal Health's notifiable disease list, and failing to report diseases in animals—resulting in the unlawful importation of monkeys. WaNPRC has violated Washington state importation laws, raising the question of whether they have violated importation laws in other states.

- **Repeat violations of the federal Animal Welfare Act**: U.S. Department of Agriculture inspections and investigations over the past decade reveal multiple violations at WaNPRC, including failure to provide adequate veterinary care, unsafe caging resulting in multiple escapes, veterinary error leading to deaths of monkey by choking on their own vomit, and deaths by strangulation, starvation, and dehydration. These violations are similar to incidents that led Harvard University in 2015 to close its New England Primate Research Center.

- **Destruction of data in apparent violation of state records retention law**: Personnel from WaNPRC admitted under oath to regular destruction of public records, including data, resulting in the King County Superior Court finding that the conduct had made it impossible for UW to comply with Washington's Public Records Act (PRA). In violating the PRA, UW/WaNPRC appears to have violated the "Records Retention and Access" section of the NIH Grants Policy Statement which requires that applicants for and recipients of NIH grant funds are expected to be in compliance with applicable State and local laws and ordinances.

- **Allegations of financial and personnel issues**: WaNPRC's finances have been in disarray, and staffing shortages—including among veterinarians who care for the monkeys—have affected the center. At one point, NIH took the unusual step of restricting the center's use of federal funds.

Despite all of these issues, many of which have direct consequences for public health and scientific integrity, NIH has decided to invest significant additional taxpayer funds in the WaNPRC. As you investigate the oversight and approval of this grant, I would request responses to the following questions:

1) What oversight is NIH required to conduct over grantees? Was that oversight performed in connection with WaNPRC? How, if at all, has NIH coordinated its oversight of WaNPRC with USDA and Washington state?

2) Were the grant officers or other employees of the NIH with oversight of this grant aware of the above issues? Were they aware of the results of the recent investigation into WaNPRC conducted by NIH? If yes, what action did they take in response?

3) Did the NIH provide information about the above issues to the review committees of the grant application to inform their review of the grant? Please describe.

4) Did review committee members have expertise in infectious disease, including in primates? Please describe.

5) Were the review committee members free of all conflicts of interest, including interests involving WaNPRC? If not, did NIH appropriately minimize any conflicts of interest among peer reviewers consistent with NIH policy and regulations? Please describe.

6) How if at all is NIH assessing the effect of past issues at WaNPRC on the research conducted by investigators from the national and international biomedical research communities that have used the center's resources?

7) What standards or criteria, if any, does NIH rely upon to assess the extent of animal care violations leading to termination of funding for a project?

8) What steps is NIH taking to oversee WaNPRC's implementation of the corrective action plan mentioned in NIH's December 2021 letter[2] to the university?

An investigation into the oversight and approval process would shed much-needed light on why this deeply troubled facility continues to receive federal funding.

Thank you for your attention to this important matter.

Sincerely,

Cory A. Booker
United States Senator

CC: The Honorable Christi Grimm, Inspector General, Department of Health and Human Services

[2] https://wanprc.uw.edu/wp-content/uploads/2021/12/Response_SIGNED-Compliance-Case-University-of-Washington.pdf